

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag.

Analog programming has been open to consumer time-shifting and copying for years. Digital advances to current media formats should not change fair use or other viewer/user rights.

Missuse of copy protected materials is a warranted concern for the entertainment industry and producers of copyrighted materials. Perhaps, however, one should consider the current protections available by contrasting books (an analog media) and the copier with a television (analog or digital) with a recording device (say a VCR/Digital Recorder).

Should we set the precedent that all media in digital form is not subject to the same laws that would protect an analog owner's copyright? Do Digital content producers warrant or need any more protection than an analog content producer?

It seems that to allow the digital entertainment industry to supplant years of fair use, personal use, and other rights that are reasonable and accepted of the same material in analog form is hipocracy of the worse kind. Moreover, it takes the use laws from the people and real world non-infringing users and puts them into the hands of the producers while at the same time ensuring the content is seen in only one manner (presumably to be viewed one time via the original broadcast only).

What makes a digital master broadcast over the air any less subject to infringement than a fine analog one. The crime is the same to the criminal. The laws enabling the prosecution of such infringement are the same regardless of the media format.

Digital media is widespread and the curent laws protecing same work quite well. Microsoft loses millions of dollars per year to pirates who make exact duplicates of its software on digital formats. Current copyright and enforcement laws don't allow Microsoft to digitally prevent this, but do allow Microsoft and Government to enforce the rights granted under copyright law and prosecute violators.

Should the proposed digital copying autocracy come to be it seems that one example will suffice of the dramatic and entirely unnecessary effect all will feel: The other millions of users of VCR's, TIVOs, DVRs should plan to rush home, forget time-shifting ever existed, and be present when broadcasters to be sure we can catch our favorite shows. The recorder is obsolete but for home movies. TV is TV, digital or not. The rights of the producer are already adquately protected by current copyright law regardless of the media.

In closing, I urge you to require the content producing industry to show its proposed protection technology will not subvert the long standing legal uses end users have come to rely upon in their daily lives. If they cannot it seems the current copyright law is more than adequate to the task.